

Exhibit B

1 IN THE UNITED STATES DISTRICT COURT FOR THE
 2 NORTHERN DISTRICT OF OKLAHOMA
 3
 4

5 W. A. DREW EDMONDSON, in his)
 6 capacity as ATTORNEY GENERAL)
 7 OF THE STATE OF OKLAHOMA and)
 8 OKLAHOMA SECRETARY OF THE)
 9 ENVIRONMENT C. MILES TOLBERT,)
 10 in his capacity as the)
 11 TRUSTEE FOR NATURAL RESOURCES)
 12 FOR THE STATE OF OKLAHOMA,)

13 Plaintiff,)

14 vs.)

15 4:05-CV-00329-TCK-SAJ

16 TYSON FOODS, INC., et al,)

17 Defendants.)

18 - - - - -

19 VOLUME II OF THE VIDEOTAPED
 20 DEPOSITION OF DENNIS COOKE, PhD, produced as a
 21 witness on behalf of the Defendants in the above
 22 styled and numbered cause, taken on the 5th day of
 23 December, 2008, in the City of Tulsa, County of
 24 Tulsa, State of Oklahoma, before me, Lisa A.
 25 Steinmeyer, a Certified Shorthand Reporter, duly
 certified under and by virtue of the laws of the
 State of Oklahoma.

A P P E A R A N C E S

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-and-
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1 that we gave you yesterday, which shows the 2008
2 year.

3 Q That supplemental report that you -- that
4 you're looking at right now --

5 A Yes, sir. 08:35AM

6 Q -- that's something that you presented or
7 handed to us yesterday; is that correct?

8 A Yes.

9 Q I think you said it was dated November 25th?

10 A I believe so. 08:35AM

11 Q Of 2008?

12 A Let's say late November and that would be
13 accurate.

14 Q And when was your report submitted in this
15 case? 08:36AM

16 A This was submitted at the end of May of 2008.

17 Q And what you're looking at right now on Figure
18 7, which is a part of the packet of new stuff you
19 presented us yesterday, that has all been prepared
20 since the submission of your original report in this 08:36AM
21 case; correct?

22 A Well, yeah. These are new data obtained since
23 that was submitted.

24 Q And the packet of stuff that you presented to
25 us yesterday that has new data and new materials in 08:36AM

1 it, those aren't corrections of the original work
2 you did in this case, are they?

3 A No.

4 Q It's new data, isn't it?

5 A It's new data for 2008. 08:36AM

6 Q It's new information, isn't it?

7 A Yes.

8 Q And are you presenting or did you present that
9 to us yesterday at the start of your deposition?

10 A Yes. 08:36AM

11 Q Okay. Some five months after your original
12 report was submitted for the purpose of trying to
13 bolster your opinions in this case?

14 A Well, all I'm interested in is accuracy here,
15 and that's what we get by getting more data, and 08:37AM
16 this certainly conforms -- these data certainly
17 conform to our understanding of how reservoirs work.

18 Q Thank you. Let's look at your second opinion,
19 which is on Page 1 of your report in which, Dr.
20 Cooke, you say that Lake Tenkiller switched from 08:37AM
21 borderline oligotrophic-mesotrophic in 1974-1975 to
22 eutrophic by 1976 and remained so through 2007,
23 except in 2006 when drought conditions reduced the
24 impact of TP-rich river inflow. That's what you
25 stated in that opinion, was it not? 08:38AM